

1647 JFW

PTO/SB/21 (04-04)

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|---|------------------------|---------------------------|
| TRANSMITTAL FORM (to be used for all correspondence after initial filing) | Application Number | 09/855,828 |
| | Filing Date | May 14, 2001 |
| | First Named Inventor | Creech, Christopher Dixon |
| | Art Unit | 1647 |
| | Examiner Name | Jon M. Lockard |
| | Attorney Docket Number | 018512-006010US |
| Total Number of Pages in This Submission | | |

| ENCLOSURES (Check all that apply) | | |
|---|---|--|
| <input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input checked="" type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ | <input type="checkbox"/> After Allowance Communication to Technology Center (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Return Postcard |
| Remarks | | The Commissioner is authorized to charge any additional fees to Deposit Account 20-1430. |

| SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT | | |
|--|------------------------------------|-----------------|
| Firm or Individual name | Townsend and Townsend and Crew LLP | |
| | Annette S. Parent | Reg. No. 42,058 |
| Signature | <i>Annette S. Parent</i> | |
| Date | August 11, 2004 | |

| CERTIFICATE OF TRANSMISSION/MAILING | | | |
|---|------------------------|------|-----------------|
| I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below. | | | |
| Typed or printed name | Joy M. Marshall | | |
| Signature | <i>Joy M. Marshall</i> | Date | August 11, 2004 |

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PATENT
Docket No.: 018512-006010US

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

On August 11, 2004

TOWNSEND and TOWNSEND and CREW LLP

By: Jay M. Marshall

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Creech and Jegla

Application No.: 09/855,828

Filed: May 14, 2001

For: CNG3B: A NOVEL CYCLIC
NUCLEOTIDE-GATED CATION
CHANNEL

Confirmation No. 9660

Examiner: Jon M. Lockard

Art Unit: 1647

RESPONSE TO RESTRICTION
REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the restriction requirement mailed June 21, 2004, Applicants elect Group I, claims 1-9 and 18-19, drawn to polynucleotides, vectors, and host cells, classified in class 435, subclass 69.1, for example. A Petition to Extend Time for one month, from July 21, 2004 to August 21, 2004 is also enclosed.

The foregoing election is made with traverse, as the eight groups set forth by the Examiner all stem from a common concept and theory, and are thus related. As such, prosecution of the claims of Groups II-VIII would not place a substantially greater

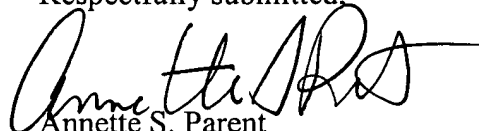
Appl. No. 09/855,828
Amdt. dated August 11, 2004
Reply to Office Action of June 21, 2004
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PATENT

burden on the Examiner. Applicants therefore respectfully request that the Examiner withdraw the Restriction Requirement and consider all the claims together.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 415-576-0200.

Respectfully submitted,


Annette S. Parent
Reg. No. 42,058

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